

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Case No. 3:24-CV-00137-RJC-DCK**

CMT USA, INC. and CMT UTENSILI S.p.A.,

Plaintiffs,

v.

APEX TOOL GROUP LLC and APEX
BRANDS, INC.

Defendants.

**MOTION TO EXCLUDE OPINIONS
AND TESTIMONY OF APEX’S
PROPOSED EXPERT STEVEN
BLEICHER**

NOW COME Plaintiffs CMT USA, Inc. and CMT Utensili S.p.A. (collectively “CMT”), by and through counsel and pursuant to Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), respectfully submit this Motion to Exclude Opinions and Testimony of Apex’s Proposed Expert Steven Bleicher.

As set forth more fully in the Memorandum filed contemporaneously herewith, Mr. Bleicher’s opinions should be excluded because they are irrelevant to the issues being decided at trial, fall outside the scope of his expertise, and/or are otherwise unreliable. His opinions and testimony would not aid the trier of fact but instead risk misleading the jury and unfairly prejudicing CMT.

WHEREFORE, for the reasons stated herein and in the Memorandum and Declaration of Robert E. Colletti with accompanying exhibits, CMT respectfully requests that the Court enter an Order excluding the opinions and testimony of Steven Bleicher.

Respectfully submitted, this 30th day of May, 2025.

/s/ Joshua B. Durham

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/s/ Robert E. Colletti

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CERTIFICATE OF SERVICE

I certify that on May 30, 2025, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system. Service of same on any counsel of record will be accomplished through the Court's electronic filing system in accordance with F.R.C.P. 5(b)(2)(E).

/s/ Joshua B. Durham